

USDC SCAN INDEX SHEET



USA

LOCKWOOD

TLW

3 : 95 - CR - 01910

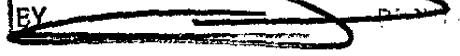
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**FILED**

JAN 23 1997

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

vs.

JUDGMENT INCLUDING SENTENCE  
UNDER THE SENTENCING REFORM ACT

ROBERT GRAY (5)

CRIMINAL CASE NO. 95-1910-B

THE DEFENDANT:

JAMES MATHEW BROWN  
DEFENDANT'S ATTORNEY

X pleaded guilty to count(s) 1 AND 12-17

       was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

<u>TITLE &amp; SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>COUNT NUMBER(S)</u>
18 USC 371, 1343	CONSPIRACY TO WIRE FRAUD	1
18 USC 1343 & 2	AIDING AND ABETTING WIRE FRAUD	12 - 17

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) \_\_\_\_\_ and is discharged as to such count(s).
  - X THE REMAINING COUNTS ARE dismissed on the motion of the United States.
  - X It is ordered that the defendant shall pay to the United States a special assessment of \$ 350 (\$50 AS TO EACH COUNT) which shall be due immediately.
  - X FINE WAIVED PURSUANT TO 28 CFR 505.1-505.9
- It is further ordered that the defendant shall notify the United States Attorney for this district within thirty days of any change of residence or mailing address until all fines, restitution, costs and special assessments imposed by this Judgment are fully paid.

ENTERED ON 1/23/97



95CR1910

DEFENDANT: ROBERT GRAY (5)  
CASE NUMBER: 95-1910-B

JUDGEMENT PAGE 2 TO 4

PROBATION

The defendant is hereby placed on probation for a term of 5 YEARS ON EACH COUNT CONCURRENTLY

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)

The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have adopted by this court (set forth below). The defendant shall comply with the additional conditions on the attached page (if indicated below).

NOT POSSESS FIREARMS, DANGEROUS WEAPONS OR EXPLOSIVES,

SUBMIT TO A SEARCH OF PERSON OR PROPERTY CONDUCTED IN A REASONABLE MANNER AND AT A REASONABLE TIME BY THE PROBATION DEPARTMENT

BE PROHIBITED FROM OPENING CHECKING ACCOUNTS OR INCURRING NEW CREDIT CHARGES OR OPENING ADDITIONAL LINES OF CREDIT WITHOUT APPROVAL OF THE PROBATION OFFICER

PROVIDE COMPLETE DISCLOSURE OF PERSONAL AND BUSINESS FINANCIAL RECORDS TO THE PROBATION OFFICER AS REQUESTED

NOT ENGAGE IN THE EMPLOYMENT, BUSINESS, CHARITY OR OTHER ENTERPRISE WHICH INVOLVES THE SOLICITATION OF FUNDS BY TELEPHONE, UNITED STATES MAIL, OR OTHER MEANS.

NOT ASSOCIATE WITH KNOWN TELEMARKETER OR ANY CO DEFENDANTS NAMED IN THE CHARGING DOCUMENTS

RESIDE IN A HALFWAY HOUSE FOR A PERIOD OF SIX (6) MONTHS AS DIRECTED BY THE PROBATION OFFICER

AO 245 S RESTITUTION, FORFEITURE, OR OTHER PROVISIONS OF THE JUDGMENT

DEFENDANT: ROBERT GRAY (5)  
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RESTITUTION, FORFEITURE, OR  
OTHER PROVISIONS OF THE JUDGMENT

PAY RESTITUTION IN THE AMOUNT OF \$11,336. TO BE PAID FORTHWITH, WITH THE REMAINDER TO BE MADE IN PAYMENTS, MUTUALLY AGREED BY THE PROBATION OFFICER AND THE DEFENDANT, DURING THE TERM OF SUPERVISED RELEASE.

DEFENDANT: ROBERT GRAY (5)  
CASE NUMBER: 95-1910-B

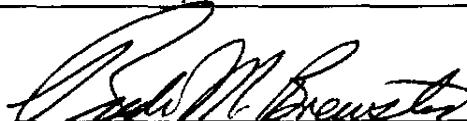
Judgment - Page 4 of 4

STANDARD CONDITIONS OF SUPERVISION

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) The defendant shall answer truthfully all inquiries by the probation officer
- 4) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) The defendant shall support his or her dependents and meet other family responsibilities;
- 6) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 7) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) The defendant shall refrain from excessive use of alcohol and shall not purchase, use, distribute, or administer any narcotic or controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

These conditions are in addition to any other conditions imposed by this Judgment.

DATE OF IMPOSITION OF SENTENCE: JANUARY 21, 1997



RUDI M. BREWSTER,  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

U.S.A. v. GRAY, ROBERT

Date: 11/25/96

Case No. 95-1910-05-B

T/N: GRAY, ROBERT MARTIN

1. Objections to Presentence report. (circle one)
  - a. No objections to presentence report.
  - b. Objections denied. The court accepts the report as written.
  - c. Objections to the report denied in part and granted in part. (see transcript)
  - d. Findings as to objections to report not necessary because matter in controversy not taken into account in imposing sentence.
2. Computation of Sentence.
  - a. Total offense level is 13 - 3 = 10
  - b. Criminal History Category is I
  - c. Guideline Range is 12-18 6-12
  - d. Mandatory minimum is \_\_\_\_\_
3. Guideline range does not exceed 24 months. Sentence is \_\_\_\_\_.
4. Guideline range exceeds 24 months. Sentence is \_\_\_\_\_.
- Reason for sentence:
  - a. The defendant's background and attitude support a sentence at the bottom range of the guidelines.
  - b. No particularly aggravating or mitigating circumstances, so a mid-range sentence is appropriate.
  - c. The criminal history and conduct of the defendant support a sentence in the top range.
  - d. See (i) PSR pages \_\_\_\_\_; (ii) other \_\_\_\_\_.
  - e. Plea agreements approved by the defendant which is appropriate under all the circumstances.
5. Departure from Guidelines.
  - a. Upward. / Downward.
    - i. See transcript for statement of reasons for departure.
6. Period of supervised release is 0 5 yrs years.
7. Restitution. (circle one)
  - a. Not applicable.
  - b. Full restitution ordered.
  - c. Defendant unable to make restitution within probation period or period of supervised release.
8. Fine.
  - a. No fine ordered as Defendant has no ability to pay fine.
  - b. Fine of \$ \_\_\_\_\_
9. Penalty Assessment. \$ 350 (7 count)